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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

AVETIS ARCHANIAN,

Petitioner,
v.

WILLIAM GITTERE, *et al.*,

Respondents.

Case No. 3:19-cv-00177-APG-CBC

ORDER GRANTING *IN FORMA*
***PAUPERIS* STATUS, APPOINTING**
COUNSEL, AND SERVING CAPITAL
HABEAS CORPUS PETITION ON
RESPONDENTS

Avetis Archanian, a Nevada prisoner sentenced to death, filed this petition for a writ of habeas corpus under 28 U.S.C. § 2254. Archanian filed a *pro se* habeas corpus petition (ECF No. 2) on March 29, 2019.

Archanian paid the \$5 filing fee for this action, but also filed an application for leave to proceed *in forma pauperis*. ECF No. 1. That application provides good cause to grant Archanian *in forma pauperis* status for this capital habeas corpus action. I therefore grant Archanian's application to proceed *in forma pauperis* for all purposes other than payment of the filing fee.

Archanian also filed a motion for appointment of counsel. ECF No. 4. The information provided in Archanian's application for leave to proceed *in forma pauperis* shows that he lacks the resources necessary to employ counsel for this action. Therefore, under 18 U.S.C. § 3599, and in the interests of justice, I appoint the Federal Public Defender for the Eastern District of California (FPD) to represent Archanian. If the FPD is unable to represent Archanian, due to a conflict of interest or other reason, alternate counsel will be appointed. Archanian's appointed counsel will represent him in all subsequent proceedings, under 18 U.S.C. § 3599(e) unless and until allowed to withdraw.

I have examined Archanian's petition for writ of habeas corpus, pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, and I direct the Clerk of the Court to serve the petition upon the respondents.

1 IT IS THEREFORE ORDERED that the petitioner's Application to Proceed *in Forma*
2 *Pauperis* (ECF No. 1) is **GRANTED IN PART** AND DENIED IN PART. The petitioner is
3 granted leave to proceed *in forma pauperis*. However, payment of the \$5 filing fee for this
4 action is not waived (the petitioner has paid the filing fee).

5 IT IS FURTHER ORDERED that the petitioner's Motion for Appointment of Counsel
6 (ECF No. 4) is **GRANTED**. The Federal Public Defender for the Eastern District of California
7 is appointed to represent the petitioner in this action. The Federal Public Defender will have 30
8 days from the date of entry of this order to file a notice of appearance as counsel for the
9 petitioner or to file a notice of inability to represent him in these proceedings.

10 IT IS FURTHER ORDERED that the Clerk of the Court is directed to electronically
11 serve a copy of this order on the Federal Public Defender for the Eastern District of California.

12 IT IS FURTHER ORDERED that the Clerk of the Court is directed to add Aaron Ford,
13 Attorney General of the State of Nevada, as counsel for the respondents.

14 IT IS FURTHER ORDERED that the Clerk of the Court is directed to electronically
15 serve upon the respondents a copy of the habeas corpus petition in this case, and a copy of this
16 order. The respondents' counsel will have 30 days from the date of this order to enter a notice of
17 appearance, but the respondents need take no further action in this case unless and until ordered
18 to do so.

19 DATED THIS 30th day of March, 2019.

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23 ANDREW P. GORDON,
24 UNITED STATES DISTRICT JUDGE
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